IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

and
HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1120 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/04/2005 in WP NO : 5855 OF 2005 on the file of the High Court.)

Between:

United News of India, No.9 Rafi Marg, New Delhi,

rep., by its General Manager

..... APPELLANT

AND

1 B.M. Jambunathan, s/o B.S.Mani,
TPT Colony, Seethamma Dhara, Visakhapatnam.
2 The Government of Andhra Pradesh, rep., by its

Principal Secretary, Government Labour

Employment Training and Factories Department,

Secretariat Buildings, Hyderabad.
3 The Commissioner of Labour, Government of A.P.,

Anjaiah Bhavan, Hyderabad.
4 The Deputy Commissioner of Labour,

Tadichetlapalem, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent NO.1 : MR K.S. MURTHY

Counsel for the Respondent Nos.2 to 4: GP for Labour & Employment
The Court made the following :

JUDGMENT (per Hon'ble Smt Justice T. Meena Kumari):

Challenging the orders passed by the learned Single Judge of this Court in WP No. 5855 of 2005 dated 28.04.2005 with regard to the directions issued to the third respondent therein for settlement of the dispute in so far as the writ petitioner, the fourth respondent therein filed the present appeal.

The first respondent herein is the writ petitioner. The writ petition was filed seeking a writ of mandamus declaring the action of the respondents 1 to 3 in not taking steps to see that dispute raised by the petitioner is referred to appropriate Labour Court as unconstitutional and to direct the respondents to refer the matter to the Labour Court at Visakhapatnam. After hearing the matter, the learned single Judge directed the third respondent to take up the dispute and try for conciliation within a period of two months from the date of receipt of a copy of the order and if the conciliation fails, to refer the matter to the appropriate authority for further reference to the Industrial Tribunal for adjudication of the dispute.

Heard both sides.

It has been argued by the learned counsel for the appellant that to settle the dispute raised by the respondent-writ petitioner, a mechanism is provided for under the Payment of Gratuity Act 1972, as such there is no necessity of a reference to be made for further conciliation and therefore the first respondent cannot seek any directions from the Court. Hence sought to set aside the order of the learned single Judge passed in the above writ petition.

Per contra, the learned counsel for the first respondent employee argued that when the respondents 2 to 4 herein failed to take steps to refer the dispute raised by the writ petitioner to the concerned authority, the first respondent herein filed the writ petition

and that the reasoned orders of the learned single Judge needs no interference and this appeal is not sustainable.

Perused the impugned order. A learned single Judge of this Court having examined the case, passed the order by giving cogent reasons for arriving at such a conclusion. In view of the cogent reasons adduced by the learned single Judge, and in view of the submissions made by the learned counsel for the first respondent, we are of considered view that there is no need to interfere with the order under challenge and it would suffice if liberty is granted to the appellant to raise all the objections raised in this appeal before the concerned authority.

Accordingly, the writ appeal is dismissed confirming the order of the learned single Judge. However, liberty is granted to the appellant herein to raise all the objections that are raised herein before the concerned authority. No costs.

(T. MEENA KUMARI, J)

Dt. 01-7-2005

(P. LAKSHMANA REDDY, J)

kvrk

Copies to

1. The Principal Secretary, Government of Andhra Pradesh, Government

Labour

Employment Training and Factories Department,

Secretariat Buildings, Hyderabad.

2. The Commissioner of Labour, Government of A.P.,

Anjaiah Bhavan, Hyderabad.

3. The Deputy Commissioner of Labour,

Tadichetlapalem, Visakhapatnam.

4. Two CCs to GP for Labour & Employment, High Court Buildings, Hyderabad (OUT)

5. Two CD copies

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HON'BLE SMT JUSTICE T.MEENA KUMARI

and

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 1120 of 2005

Judgment of the Division Bench delivered by

Hon'ble Smt. Justice T. Meena Kumari)

01st JULY 2005